

116TH CONGRESS
1ST SESSION

S. 231

To express the sense of Congress regarding the likely involvement of the Government of Saudi Arabia in assisting no fewer than two Saudi nationals to avoid criminal prosecution in the United States, and to require the Secretary of State to submit a report to Congress that describes such involvement, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 25 (legislative day, JANUARY 24), 2019

Mr. MERKLEY (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To express the sense of Congress regarding the likely involvement of the Government of Saudi Arabia in assisting no fewer than two Saudi nationals to avoid criminal prosecution in the United States, and to require the Secretary of State to submit a report to Congress that describes such involvement, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLES.**

4 This Act may be cited as the “Examining Saudi Con-
5 sular Activities Promoting Extraction Act” or the “ES-
6 CAPE of Saudi Nationals Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) On August 19, 2016, a vehicle driven by
4 Abdulrahman Sameer Noorah, a Saudi national,
5 struck and killed a 15-year-old Portland, Oregon,
6 native while driving between 55 and 60 miles per
7 hour, approximately twice the posted speed limit.

8 (2) Saudi Arabia's Los Angeles consulate re-
9 portedly posted \$100,000 bail to secure the release
10 of Mr. Noorah.

11 (3) On June 17, 2017, while awaiting trial for
12 indictments of manslaughter, felony hit-and-run, and
13 reckless driving, Mr. Noorah arrived in Saudi Arabia
14 from Oregon, despite having surrendered his Saudi
15 passport to Oregon law enforcement authorities.

16 (4) Officials from the Department of Homeland
17 Security and the United States Marshals Service
18 have publicly revealed that the Government of Saudi
19 Arabia likely played a role in Mr. Noorah's repatri-
20 ation back to Saudi Arabia.

21 (5) The Saudi consulate in Los Angeles is re-
22 ported to have posted bond for at least 4 additional
23 Saudi nationals: Abdulaziz Al Duways, Waleed Ali
24 Alharthi, Suliman Ali Algwaiz, and Ali Hussain
25 Alhamoud, who—

1 (A) were charged with serious criminal of-
2 fenses in Oregon, beginning in 2012;

3 (B) fled from the custody of law enforce-
4 ment authorities; and

5 (C) are still at large.

6 (6) The Saudi consulate in Los Angeles posted
7 a \$100,000 bond for Ali Hussain Alhamoud, a Saudi
8 national, who subsequently fled Oregon for Saudi
9 Arabia in 2012 before facing trial on multiple sex-
10 crime charges, including rape in the first degree.

11 (7) Saudi national and Portland University stu-
12 dent, Suliman Ali Algwaiz, faced charges in 2016 for
13 striking a homeless man with his vehicle, but he dis-
14 appeared before completing his jail sentence.

15 (8) The Saudi consulate posted a \$500,000 se-
16 curity deposit for Waleed Ali Alharthi, an Oregon
17 State University student and Saudi national, who
18 was arrested in 2015 on 10 counts of encouraging
19 child sex abuse before fleeing to Paris, France, in
20 the midst of court hearings.

21 (9) The Saudi consulate posted a \$500,000
22 bond for Abdulaziz Al Duways, a Western Oregon
23 University Student and Saudi national, who was ar-
24 rested in 2014 on the charge of rape, but subse-

1 quently disappeared before standing trial for the
2 charge.

3 (10) Article 41 of the Vienna Convention on
4 Diplomatic Relations, done at Vienna April 18,
5 1961, states—

6 (A) “it is the duty of all persons enjoying
7 [diplomatic] privileges and immunities to re-
8 spect the laws and regulations of the receiving
9 State”; and

10 (B) such persons “also have a duty to not
11 interfere in the internal affairs of that State”.

12 (11) The Government of Saudi Arabia’s flaunt-
13 ing of international norms and diplomatic law fol-
14 lows a pattern of disturbing behavior, including—

15 (A) the brutal murder of Washington Post
16 contributor and United States resident Jamal
17 Khashoggi in a Saudi Arabia consulate in
18 Istanbul, Turkey;

19 (B) the jailing of prominent women rights
20 activists, Samar Badawi and Nassima al-Sada,
21 and the ongoing detention of countless others,
22 such as blogger Raif Badawi and human rights
23 lawyer Waleed Abu al-Khair;

24 (C) failing to avoid civilian casualties in its
25 use of military force in the Yemeni civil war;

1 (D) the shakedown of Saudi royals in the
2 Ritz Carlton hotel in Riyadh, Saudi Arabia; and

3 (E) the detention of the Lebanese Prime
4 Minister, Saad al-Hariri, against his will.

5 **SEC. 3. SENSE OF CONGRESS.**

6 It is the sense of Congress that—

7 (1) the Secretary of State should engage with
8 the highest levels of the Government of Saudi Arabia
9 to advocate for the immediate extradition of Mr.
10 Noorah, Mr. Alhamoud, and any other Saudi na-
11 tional or citizen charged with a criminal offense
12 committed in the United States back to the appro-
13 priate authorities in the United States;

14 (2) the apparent involvement of the Govern-
15 ment of the Kingdom of Saudi Arabia in the removal
16 of Mr. Noorah violates Oregon Statute 162.325,
17 which prohibits providing a person with money,
18 transportation, weapon, disguise, or any other means
19 of avoiding discovery or apprehension, and should be
20 condemned;

21 (3) the Attorney General, in coordination with
22 relevant Federal and State authorities, should inves-
23 tigate—

24 (A) whether any Saudi diplomat or agent
25 of the Government of Saudi Arabia—

1 (i) furnished Mr. Noorah with a
2 fraudulent passport; or

3 (ii) assisted him in traveling to Saudi
4 Arabia on or before June 17, 2018; and

5 (B) the degree to which any party or par-
6 ties assisted in the removal of Mr. Alhamoud
7 from Oregon to Saudi Arabia in 2012;

8 (4) the President should declare any individual
9 enjoying diplomatic or consular immunity who pro-
10 tected a party from the criminal jurisdiction of the
11 United States as a “persona non grata”; and

12 (5) the Department of State should not accredit
13 any Saudi diplomat to serve in the Saudi consulate
14 in Los Angeles until—

15 (A) Abdhulrahman Noorah and Ali
16 Hussain Alhamoud are returned to the United
17 States to face criminal charges brought against
18 them; and

19 (B) the United States finds no reasonable
20 cause to conclude that a Saudi diplomat or
21 agent of the Saudi government aided in the
22 transport of either individual back to Saudi
23 Arabia.

1 **SEC. 4. REPORTING REQUIREMENTS.**

2 (a) **DEFINED TERM.**—In this section, the term “ap-
3 propriate congressional committees” means—

4 (1) the Committee on Foreign Relations of the
5 Senate;

6 (2) the Committee on the Judiciary of the Sen-
7 ate;

8 (3) the Committee on Foreign Affairs of the
9 House of Representatives; and

10 (4) the Committee on the Judiciary of the
11 House of Representatives.

12 (b) **REPORT.**—

13 (1) **IN GENERAL.**—Not later than 90 days after
14 the date of the enactment of this Act, the Secretary
15 of State shall submit a report to the appropriate
16 congressional committees that describes the degree
17 to which any citizen of the Kingdom of Saudi Ara-
18 bia, who enjoys diplomatic immunity from criminal
19 jurisdiction in the United States, has assisted in the
20 removal of any Saudi citizen in the United States
21 for the purposes of evading criminal prosecution.

22 (2) **FORM.**—The report required under para-
23 graph (1) shall be submitted in unclassified form.

24 (c) **REPORT ON CASES INVOLVING DIPLOMATIC IM-**
25 **MUNITY.**—Any conclusions reached during the preparation
26 of the report required under subsection (b) shall be in-

1 cluded in the 2018 Report on Cases Involving Diplomatic
2 Immunity pursuant to sections 56 and 204B of the State
3 Department Basic Authorities Act of 1956 (22 U.S.C.
4 2728 and 4303b).

5 **SEC. 5. RESTRICTION ON FOREIGN GOVERNMENT OWNER-**
6 **SHIP OF REAL PROPERTY IN THE UNITED**
7 **STATES.**

8 Section 205(b) of the State Department Basic Au-
9 thorities Act of 1956 (22 U.S.C. 4305(b)) is amended—

10 (1) by redesignating paragraphs (1), (2), and
11 (3) as subparagraphs (A), (B), and (C), respectively,
12 and by moving such subparagraphs 2 ems to the
13 right;

14 (2) by striking “The Secretary” and inserting
15 the following:

16 “(1) IN GENERAL.—The Secretary”; and

17 (3) by adding at the end the following:

18 “(2) EVADING PROSECUTION.—

19 “(A) IN GENERAL.—Real property in the
20 United States may not be maintained by any
21 foreign mission of a foreign country if the Sec-
22 retary of State, after consultation with the At-
23 torney General, determines that such foreign
24 mission has aided in the removal of a citizen or
25 national of its country from the United States

1 with the effect of evading the prosecution of
2 such citizen or national for 1 or more criminal
3 offenses committed in the United States.

4 “(B) WAIVER.—The President may waive
5 the application of subparagraph (A) if, not later
6 than 60 days after the submission of the report
7 required under section (4)(b) of the ESCAPE
8 of Saudi Nationals Act, the President des-
9 ignates each individual identified in such report
10 as enjoying diplomatic or consular immunity
11 who protected a party from the criminal juris-
12 diction of the United States as a persona non
13 grata.”.

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